

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

**Magistrate Judge Paul S. Grewal**  
Courtroom 5 - 4th Floor

**Civil Minute Order**

Date: March 5, 2014

Time in Court: 1 hour and 51 minutes

Courtroom Deputy Clerk: Oscar Rivera  
Court Reporter: Summer Fisher

---

**TITLE: Theranos, Inc., et al. v. Fuisz Pharma, LLC, et al.**

**CASE NUMBER: CV11-05236 PSG**

Plaintiff Attorney(s) present: D. Michael Underhill, Michael Jay, William Marsillo & Meredith Dearborn. Also present (telephonically): David Boies

Defendant Attorney(s) present: Joseph & Richard Fuisz, *in pro se*. Also present (telephonically): Rhonda Anderson

---

**PROCEEDINGS:**

**1.) Pretrial Conference**

**2.) Defendants Fuisz' Motion to Exclude Testimony of Theranos' Experts Robert Leonard, William Clarke & Channing Robertson (Dkt. 300-3)**

**3.) Defendants Fuisz' Motion for Adverse Inference Jury Instructions for Spoliation or the ReOpening of Discovery (Dkt. 326-2)**

**4.) Plaintiffs' Motion in Limine to Exclude the Report and Testimony of Dr. Bryan Bergeron (Dkt. 327-4)**

**5.) Defendants Fuisz' First Motion in Limine (Dkt. 331)**

**6.) Plaintiffs' Motion in Limine 1 to 6 (Dkt. Nos. 335-1 to 335-9)**

**7.) AEO Counsel's Motion for Redesignation of Certain AEO Materials as Confidential (Dkt. 341)**

**8.) Defendants Fuisz' Second Motion in Limine (Dkt. Nos. 344-2)**

**9.) Defendants Fuisz' Emergency Motion to Dismiss Plaintiffs' 35 USC Section 256 Cause of Action with Prejudice (Dkt. 348-3)**

Court to issue written order as to motions. Advisory jury to be seated, 9 jurors, no alternates. The court allots 30 minutes per side for voir dire. The court allots 3 peremptories per side, a pass will count as a strike. Counsel and Defendants to appear at 8:30 a.m. to address any preliminary matters. Trial will run from 9:00 a.m. to 4:30 p.m. as time permits. Trial on 3/18/14 and 3/25/14 will begin at 1:30 p.m.

///